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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,970	08/28/2001	Paul Trpkovski	44046.103.203.21	6340

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,970

Applicant(s)

TRPKOVSKI, PAUL

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (5330232).

Smith (figure 7) shows the method of providing information at the point of use of a window assembly with the steps of providing masking material (20) having a substrate and an adhesive (23) disposed over a first face of the substrate, applying the masking material being attached to a surface of a pane of the window assembly, printing the information (46) being on the second face of the substrate of the at least one strip of masking material after the step of applying the at least one strip of masking material on the surface of the pane, the step of applying information bearing sheet (45) over the at least one strip of masking material, the bearing sheet being a sheetstock and a second adhesive(43) disposed on a first face of the sheetstock (figure 7), the sheet stock being a substantially frangible material, the sheet stock being paper, the step of applying the information bearing sheet over the at least one strip of masking material before the step of applying the at least one strip of masking material on the surface of the pane (col 3 lines 19-26).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232).

Smith shows all the claimed limitations except for the second adhesive having substantially greater adhesion than the first adhesive.

Smith discloses the printing material being removable from the pane surface.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith to show the second adhesive having substantially greater adhesion than the first adhesive because it would enable easy peeling away of the printing material from the pane surface.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232) in view of Bigler (1284997).

Smith (figure 7) shows all the claimed limitations except for the protective covering being a plurality of strips.

Bigler shows a plurality of coverings overlapping sequentially to provide covering to a large surface, the covering having tab portions (the part overlapping the other covering strip).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith to show the protective covering being a plurality of strips because it

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was known in the art that covering a large surface with multiple covering strips of material instead of a large one would enable cost savings per manufacturing and transportation ease.

6. Claims 10-18, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232) in view of Bigler (1284997).

Smith as modified by Bigler shows all the claimed limitations except for the nth strip including indicia for indicating the nth strip to be first removed, the indicia having an advertisement for goods likely to be purchased, the indicia having a National Fenestration Rating Council rating for the window assembly.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith to show the nth strip including indicia for indicating the nth strip to be first removed, the indicia having an advertisement for goods likely to be purchased, the indicia having a National Fenestration Rating Council rating for the window assembly because having the nth strip including indicia for indicating the nth strip to be first removed would have been obvious as it was known in the art that removing the nth strip when there are multiple overlapping coverings would enable easy, safe, and clean peeling of the coverings from the pane assembly and the indicia would help ensure the proper procedure is followed, and it would have been an obvious matter of design choice to show the indicia having an advertisement for goods likely to be purchased, or the indicia having a National Fenestration Rating Council rating for the window assembly as the establishment of different advertisements and instructions on a label is well-known in the art.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232) in view of Bigler (1284997).

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Smith as modified by Bigler shows all the claimed limitations except for the second adhesive having substantially greater adhesion than the first adhesive.

Smith further discloses the printing material being removable from the pane surface.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith's modified structures to show the second adhesive having substantially greater adhesion than the first adhesive because it would enable easy peeling away of the printing material from the pane surface.

8. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232) in view of Bigler (1284997).

Smith as modified by Bigler shows all the claimed limitations except for the steps of using a calculator to calculate the optimal number of strips given the information of the masking material, the desired width of the masked area, the overlapping dimension, the dimension of the planar surface.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith's modified structures to show the step of using a calculator to calculate the optimal number of strips because the use of a calculator, a computer etc...to calculate an optimum result is well-known in the art as it helps provide quick accurate calculations and thus cost savings.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5330232).

Smith shows all the claimed method steps except for the step of providing information related to the window assembly.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith to show the step of providing information related to the window assembly because it well-known in the art to provide information about a product on a product covering.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window coverings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A
September 29, 2002

PA

LANNA MAI
SUPERVISORY PATENT EXAMINER
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Lanna Mai